

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
APR 20 2021
JEFFREY P. ALLSTEADT, CLERK
INTAKE 7

Kyra Harper,

Judge Goldgar

Plaintiff,

No. 20-319

U.S DEPARTMENT OF EDUCATION,

Defendant.

REPLY TO THE UNITED STATES DEPARTMENT OF EDUCATION 'S FIRST SET OF
INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS

1. State whether you are claiming that any student loan debt you owe to the Department of Education should be discharged because repayment of such debt would impose an undue hardship on you and any of your dependents.

Answer: No, the student loan debt was discharged in December of 1996 in bankruptcy.

2. If you are seeking any relief in this adversary proceeding other than discharge of your student loan debt, identify such additional relief and all facts that you believe support such relief.

Answer: \$16,000 in relief. Under the Griffin's rule, goes to damages the plaintiff believes she should receive other than the actual damages if their was a willful discharge violation.

3. State the date(s) on which your student loan(s) held by the Department Of Education first became due and explain the basis for your belief that the student loan(s) first became due.

Answer : Student loans first became due on 5/86 according to the Illinois Student Assistance Commission see Exhibit A.

4. Identify by date range any periods during which repayment of your student loans were suspended and for each period of suspension state the reason(s) for the suspension.

Answer: Plaintiff only received a forbearance from 5/91-9/92, while attending Chattahoochee Technical Institute, where she was enrolled and graduated from a fourteen month Practical Nursing Program see Exhibit B. This forbearance document, that her previous attorney PDF her, she immediately knew this was a phony document. On face value the document appeared incomplete and barely comprehensible. However ,what Plaintiff could decipher that she knew was not accurate. The document has her receiving a forbearance starting in 12/90 to 1/2/91 and 11/1/92 to 6/30/93. Plaintiff was working full-time and even when forced to work part-time due to health related issues , she still wasn't able to receive a forbearance. This resulted in her student loans going into default due to skip payments, partial payments or late payments that caused her to file bankruptcy in 1996 .

Plaintiff was not eligible to receive an Economic Hardship forbearance due to her income. The guidelines at that time was that your monthly income could not exceed the larger of: (A) ~~the~~ federal minimum wage rate, which was \$4.25 in the 1990'S/\$680 monthly or (B) To qualify for forbearance, your student loan payments must be equal to or greater than 20% of your total monthly income- it doesn't include your monthly family expenditures. According to Plaintiff's Social Security ~~Summary~~ FICA earning history she made above that amount.

5) State the date(s) on which your student loan(s) owed to the Department of Education went into default.

Answer: January of 1995 according to ISAC.

6. From 1982 to present identify by date range and school name each period of time during which you attended school.

Answer: (A) Western Illinois University (W.I.U) attended in the summer of 1981

(B) Eastern Illinois University (E.I.U) 1982-1985, she left school before her anticipated graduation in 1986. Plaintiff returned to E.I.U in the summer of 1988 and took a course. Around about November of 1988, plaintiff relocated to Marietta, Ga. Plaintiff returned to Illinois in 1994 and started inquiring about completion of her degree at E.I.U. Plaintiff found out she only had to pass, non-credit hour, State Proficiency test; plaintiff subsequently received her B.S degree in 1994.

(c) South Suburban College -2000-2002 Plaintiff graduated in 2002 as a Registered Nurse

7) State all facts supporting request of your complaint for \$16,000 in damages and explained how you calculated

Answer: The refund of her Federal Tax of \$7,968.05 plus \$6,112=\$16,000 . The \$6,112 are the damages the U.S Department of Education for violating her due process, denying her a hearing see exhibit C and Judge Ellis' final order see Dkt 1, Exhibit I

8) If you are asserting a claim of fraudulent transfer under 11U.S.C&548, state all facts supporting such claim.

Answer: plaintiff believes that possibly an employee with the department , and Premiere Credit of North America ^{and} were in collusion to fleece plaintiff other~~s~~in violating the bankruptcy law. Plaintiff knows

(3)

the loan was discharged in bankruptcy in 1996., the loan never again appeared on her credit report^{again}she was never in jeopardy of getting her nurses' license suspended due to the default, like she ^{had} ~~had~~ in 1996 that caused her to file for a discharge of the loan in bankruptcy. This routinely, happens mostly with new nurses see exhibit D.

10) Identify by date, payment amount and payee, each payment that you made on the account of your student loan debt owed to the Department of Education

Answer: Plaintiff previous attorney PDF her repayment history see Exhibit E this IDAPP history first of all doesn't include the payments made in the 1980's , most of payments were redacted, and some payments she made, she allegedly was in forbearance and the total amount of payments she made according to the IDAPP was \$2,484.00,however, the forbearance document has her on paying \$1,504.87- this is just non-mathematical and make no sense

Respectfully Submitted,





**REQUEST FOR PRECLAIM ASSISTANCE
OR CLAIM REIMBURSEMENT**

**1755 Lake Cook Rd
Deerfield, IL 60015
(708) 948-4500**

<input type="checkbox"/> Precalm Assistance <small>(Includes Supplemental Precalm Assistance)</small>		(Check One)	<input checked="" type="checkbox"/> Claim Reimbursement <small>Requires Claim Filing Checklist and supporting documentation</small>
I. Loan Type		II. Reason	
1. <input checked="" type="checkbox"/> Stafford (GSL) 2. <input type="checkbox"/> SLS (ALAS) 3. <input type="checkbox"/> PLUS 4. <input type="checkbox"/> Illinois Opportunity 5. <input type="checkbox"/> Consolidation 6. <input type="checkbox"/> Unsubsidized Stafford (USUB)		1. <input type="checkbox"/> Skip 2. <input type="checkbox"/> Non Pay or Nonsubsidized Interest 3. <input type="checkbox"/> Permanent Disability 4. <input type="checkbox"/> Other	
		5. <input checked="" type="checkbox"/> Slow Pay 6. <input type="checkbox"/> Death 7. <input type="checkbox"/> BK-Chapter 7 & 11 8. <input type="checkbox"/> BK-Chapter 12 & 13 9. <input type="checkbox"/> Slow Pay Litigated Account	
III. Account Information			
Name of Borrower <u>HARPER KYRA</u>		M	SS# <u> -0689</u>
Address <u>1202 J ASHBOROUGH TER MARIETTA GA</u>		ZIP Code <u>30067</u>	
Former (Maiden) Name _____		Home Phone # <u>(404)-424-2321</u>	
Place of Employment <u>MANOR CARE</u>		Work Phone # <u>(000)-000-0000</u>	
Spouse's Name _____		Parent's Tel # <u>()</u>	
If PLUS Student's Name _____		SS# _____	
Co-Maker/Co-signer (if any) Name _____		SS# _____	
Lender Code Number <u>826351</u>		School Code Number <u>005620</u> LAST SCHOOL ATTENDED	
Lender Name <u>IL DESIGNATED ACCT PUR-PRG</u>		School Name <u>CHATTahoochee TECH IN</u>	
Address <u>1755 LAKE COOK RD.</u>		Address _____	
<u>DEERFIELD, IL 60015</u>			
Service Code Number (if applicable) _____			
School Separation Date <u>10/22/85</u>		End of Grace Period <u>04/22/86</u>	
School Refund/Closed School Amount \$ _____		Date of Refund/School Closing _____	

IV. Interim/Promissory Note(s) - Itemize All Loans (Regardless of Status)

NOTE: ALL INSURANCE PREMIUMS MUST HAVE BEEN PAID FOR LOANS SUBJECT TO AN INSURANCE PREMIUM. (AS DISCLOSED ON THE NOTE OR NOC/03.)
WHEN SUBMITTING A SIGNED CLAIM REIMBURSEMENT TO ISAC, ONLY ENDORSED ORIGINAL NOTE(S), LOAN APPLICATION(S), REFERENCE NO., PAYMENT HISTORY, DEFERMENTS FORBESURANCES AND PROOF OF LOAN CANCELLATION REQUESTS (I.E. BANKRUPTCY, DEATH, TOTAL AND PERMANENT DISABILITY) ARE ATTACHED TO THIS FORM. OF NO/C
NOTES MUST BE ENDORSED IN INK AS FOLLOWS: PAY TO THE ORDER OF THE ILLINOIS STUDENT ASSISTANCE COMMISSION.

V. Repayment Information

ISAC USE ONLY - DEFAULT DATE

INTEREST PAID FROM

VI. Itemize All Deferments/Forbearances

DATE	TYPE	PERIOD OF DEFERMENT		# MONTHS VALUE
		TO	FROM	
5-29-92	5	12-1-90	TO 1-2-91	
7-22-91	5	1-3-91	6-14-91	
9-10-91	5	4-1-91	TO 12-13-91	
5-24-92	5	12-10-91	6-15-92	
8-31-92	5	6-11-92	TO 9-11-92	
7-1-93	4	11-1-92	TO 6-30-93	
		TO		
		TO		

FORBEARANCE INTEREST FROM _____ TO _____ AMOUNT ACCRUED'S _____ AMOUNT PAID'S _____

VII. Application of Payments

	NOTE 1	NOTE 2.	NOTE 3.	NOTE 4.
APPLIED TO PRINCIPAL	<u>397.00</u>			
APPLIED TO INTEREST	<u>1107.87</u>			
APPLIED TO LATE CHARGES	<u>0.00</u>			
TOTAL PAID BY BORROWER	<u>1504.87</u>			
UNPAID PRINCIPAL BALANCE	<u>9449.23</u>			
UNPAID LATE CHARGES	<u>0.00</u>			
6 SIMPLE INTEREST DUE FROM _____ (EARNED INTEREST CALCULATED USING DAILY OR MONTHLY INTEREST FACTOR)				
RULE OF 78's (EARNED INTEREST USING "SUM OF THE DIGITS" AND PRECOMPUTED FINANCE CHARGE)				

VIII. Miscellaneous

ARE ORIGINAL NOTES ATTACHED? YES CERTIFIED # NO Date Final Demand Letter Sent
ADDITIONAL COMMENTS Acc 10-8-90 - 1-2-91 820486

IX. Certification By Accountant

I certify that this loan was made, disbursed and serviced in compliance with all federal regulations and ISAC rules. Should ISAC determine that the lender did not comply with federal regulations or ISAC rules, and such non-compliance results in ISAC's inability to collect from the borrower or the loss of federal reimbursement on the loan, the lender shall refund the amount of the loss to ISAC.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Lender/Serviceer Name

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Authorized Signa

Name and Room:

—
—

• 6

Phone Number: _____

Ford Employee (P1)

Data:

Exhibit B

REQUEST FOR HEARING

8. I (or, for parent PLUS borrowers, the student) used this loan to enroll in _____ (school) on or about ____/____ and was unable to complete the education because the school closed. (Obtain and submit a completed Loan Discharge Application: School Closure form. ENCLOSURE: any records you have showing your (or, for parent PLUS borrowers, the student's) withdrawal date.) For loans only.

9. This is not my Social Security Number, and I do not owe this debt. (ENCLOSE: a copy of your driver's license or other identification issued by a Federal, state or local government agency, and a copy of your Social Security Card.)

10. I believe that this debt is not an enforceable debt in the amount stated for the reason explained in the attached letter. (Attach a letter explaining any reason other than those listed above for your objection to collection of this debt amount by garnishment of your salary. ENCLOSURE: any supporting records.)

11. I (or, for parent PLUS borrowers, the student) did not have a high school diploma or GED when I (or, for parent PLUS borrowers, the student) enrolled at the school attended with this guaranteed student loan. The school did not properly test my (or, for parent PLUS borrowers, the student's) ability to benefit from the training offered. (Obtain and submit a completed Loan Discharge Application: False Certification (Ability to Benefit) form. ENCLOSURE: any records you have showing your withdrawal date.) For loans only.

12. When I borrowed this guaranteed student loan to attend _____ (school), I (or, for parent PLUS borrowers, the student) had a condition (physical, mental, age, criminal record) that prevented me (or, for parent PLUS borrowers, the student) from meeting State requirements for performing the occupation for which the school training was provided. (Obtain and submit completed Loan Discharge Application: False Certification (Disqualifying Status) form. For loans only.)

13. I was involuntarily terminated from my last employment and I have been employed in my current job for less than twelve months. (Attach statement from employer showing date of hire in current job and statement from prior employer showing involuntary termination.)

14. I believe that _____ (name of individual or other party) without my permission signed my name or used my personal identification data to execute documents to obtain this loan, and I did not receive the loan funds. (Obtain and submit a completed False Certification (Unauthorized Signature/Unauthorized Payment) discharge application or Identity Theft Certification). Enclose any records showing your withdrawal date. For loans only.

IV. I state under penalty of law that the statements made on this request are true and accurate to the best of my knowledge.

DATE: 10/22/13 SIGNATURE: Kylee Depp

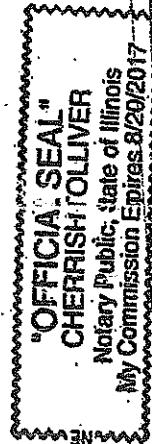
SEND THIS REQUEST FOR HEARING FORM TO:

US DEPARTMENT OF EDUCATION
ATTN: AWG HEARINGS BRANCH
PO BOX 5227
GREENVILLE TX 75403-5227

If you wish to arrange a voluntary agreement for payments in amounts equal to 15% of your disposable pay, do not use this form. Instead, call the Customer Service telephone number below:

U.S. Department of Education Customer Service
1-800-621-3115

... may result in an immediate order to your employer for garnishment of



20/3
Attest

County of Cook, State of Illinois.

John McAllin

Subscribed and sworn to before me

this 22nd day of October 2013
at _____, County of Cook, State of Illinois.
Notary Public

Exhibit C

~~Example from ISPPR~~

John Pieniazek, Chicago – physician and surgeon license (036-109332) reprimanded after being disciplined by the state of Oregon for failure to maintain adequate medical records for prescribing.

Richard Provus, Deerfield – physician and surgeon license (036-055144) reprimanded and fined \$500 due to possible failure to diagnose lung cancer in a timely manner.

Leila Tongco-Peterson, Lombard – chiropractor license (038-008509) indefinitely suspended for failure to comply with the conditions of her probation regarding the repayment of her Illinois educational loan.

Kenneth Adams, Metamora – physician assistant license (085-000291) placed in refuse to renew status after defaulted on an Illinois educational loan.

NURSING

The following individuals' registered nurse licenses were placed in refuse to renew status after defaulting on an Illinois Educational Loan:

Nicole Abdallah, Willow Springs	041-332796
Yetunde Adeyeri, Lanham, MD	041-372044
Bryanna Arend, Sandwich	041-353871
Lori Aydt, Ridgedale, MO	041-379042
Theresa Birch, Oakwood Hills	041-216053
Patience Bortey, Chicago	041-365471
Marsha Boyd, Carbondale	041-301514
Maria Brooks, Cedar Lake, IN	041-322917
Nicole Carlson, Batavia	041-379977
Maria Chico, Wadsworth	041-231748
Vicki Clark, Homewood	041-338958
Caryn Conlon, Springfield	041-271842
Victoria Cura, Plainfield	041-374074
Corlis Dotts, East St. Louis	041-268792
Laura Duddy, Carterville	041-380759
Chaquitta Durr, Chicago	041-351847
Janice Echols Nelson, Harvey	041-322918
Mary Eudy, Harrisburg	041-311902
Syble Euring, Gurnee	041-363408
Charlette Everett, Evanston	041-260877
Elizabeth Eyers, Alton	041-372677
Laura Green, Cordova	041-363076
Norma Hawkins, Flora	041-369927
Susan Howerton, Alton	041-310669
Sandra Hutchison, Peoria	041-284777
Kimberly Ingram, Chicago	041-300967
Jasmine Jara, Chicago	041-369054
Verlena Johnson, Chicago	041-324130
Patricia Jones, Oak Forest	041-260983
Candis Jones, Walnut	041-318850
Diane Kaminski, Chicago	041-372575

(562) *** IDAPP PAYMENT HISTORY ***

12/31/94

STUDENT 2000-0689 BKW KYRA M HARPER

POST DATE	NBR	TYPE	AMOUNT	PRINCIPAL	INTEREST	BALANCE	SYS DATE
10/13/94	0606	A	125.00	0.00	125.00	9449.23	10/14/94
08/10/94	0769	A	125.00	80.35	44.65	9449.23	08/11/94
07/22/94	1070	A	125.00	16.96	108.04	9529.58	07/25/94
06/27/94	0778	A	125.00	0.00	125.00	9546.54	06/28/94
04/14/94	0946	A	125.00	61.04	63.96	9546.54	04/15/94
03/18/94	1256	A	125.00	41.13	120.87	9607.58	03/21/94
01/26/94	1784	A	125.00	39.33	85.67	9611.71	01/21/94
12/21/93	1065	A	125.00	31.88	93.12	9651.04	12/22/93
11/12/93	0589	A	120.00	74.66	55.34	9682.92	11/15/93
10/20/93	1193	A	135.00	55.15	79.85	9757.58	10/21/93
09/17/93	1473	A	120.00	33.63	86.37	9812.73	09/20/93
08/18/93	1184	A	120.00	0.00	120.00	9846.36	08/19/93

Redacted

Exhibit E

(S65) *** IDAPP STATUS HISTORY *** KYRA M HARPER

12/31/94

STUDENT

061-0689-BKN

1334

ENTRY DATE	TIME	OPER D	TYPE	STATUS	BEG DATE	END DATE	AMOUNT	REMARKS
12/01/94	23:29	8420 C	STA D	01/01/95			0.00	
08/01/94	22:55	8420 C	STA A	08/01/94			0.00	
08/01/94	23:46	8420 C	STA A	08/01/94			0.00	
07/01/94	22:57	8420 C	STA A	07/01/94			0.00	
06/01/94	23:49	8420 C	STA A	06/01/94			0.00	
07/01/93	10:19	0682 A	STA H	11/01/92	06/30/93		0.00	
06/30/93	16:30	0404 C	STA R				0.00	
02/02/93	02:41	8420 C	STA A	05/01/93			0.00	
10/01/92	00:130	8429 A	FIB	07/01/92	09/11/92		177.58	OTR 3/92
08/31/92	09:30	8429 A	STA SYNE9		09/11/92		0.00	VWS 001
08/24/92	15:18	0684 A	STA S	06/15/92	08/30/92		184.88	1
07/01/92	00:15	8429 A	FIB	04/01/92	06/15/92		184.88	OTR 2/92
05/29/92	08:50	0673 A	FBI S	12/14/91	05/29/92		405.14	001
05/29/92	08:50	0673 A	STA H	12/01/90	05/02/91		0.00	001
04/01/92	23:21	8420 C	STA A	04/01/92			204.86	
01/01/92	03:53	8429 A	FIB	10/01/91	12/13/91		0.00	
							176.28	OTR 4/91

(S65) *** IDAPP STATUS HISTORY ***

12/31/94

STUDENT	346-56-0689	BKN	KYRA M HARPER
01/01/92	03:53	8429 A	STA SYNE9
10/01/91	05:47	8429 A	FIB
09/30/91	14:51	0673 A	FBI S
09/30/91	14:51	0673 A	STA S
06/30/91	10:13	8429 A	FIB
06/30/91	10:13	8429 A	STA SYNE9
03/31/91	12:42	8429 A	FIB
03/22/91	10:25	0673 A	STA S
01/01/91	07:57	8429 A	STA RYNE9
09/11/90	13:04	0684 A	STA H
04/11/90	22:22	8400 P	PUR RYNE9
04/11/90	22:22	8400 P	PUR RYNE9

12/31/94

11 150.54
Total \$2484

Exhibit E